

# Senate File 593 - Enrolled

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SENATE FILE 593

AN ACT  
RELATING TO COURT PROCEDURES INCLUDING CONCILIATION PROCEEDINGS  
AND CIVIL AND CRIMINAL FEES, PENALTIES, AND PROTECTIVE  
ORDERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 598.16, Code 2007, is amended to read  
as follows:

598.16 CONCILIATION == DOMESTIC RELATIONS DIVISIONS.

1. A majority of the judges in any judicial district, with  
the cooperation of any county board of supervisors in the  
district, may establish a domestic relations division of the  
district court of the county where the board is located. The  
division shall offer counseling and related services to  
persons before the court.

2. Upon Except as provided in subsection 7, upon the  
application of the petitioner in the petition or by the  
respondent in the responsive pleading thereto or, within  
twenty days of appointment, of an attorney appointed under  
section 598.12, the court shall require the parties to  
participate in conciliation efforts for a period of sixty days  
from the issuance of an order setting forth the conciliation  
procedure and the conciliator.

3. At any time upon its own motion or upon the application  
of a party the court may require the parties to participate in  
conciliation efforts for sixty days or less following the  
issuance of such an order.

4. Every order for conciliation shall require the  
conciliator to file a written report by a date certain which  
shall state the conciliation procedures undertaken and such  
other matters as may have been required by the court. The  
report shall be a part of the record unless otherwise ordered  
by the court. Such conciliation procedure may include, but is  
not limited to, referrals to the domestic relations division  
of the court, if established, public or private marriage  
counselors, family service agencies, community health centers,  
physicians and clergy.

5. The costs of conciliation procedures shall be paid in  
full or in part by the parties and taxed as court costs;  
however, if the court determines that the parties will be  
unable to pay the costs without prejudicing their financial  
ability to provide themselves and any minor children with  
economic necessities, the costs may be paid in full or in part  
by the county.

6. Persons providing counseling and other services  
pursuant to this section are not court employees, but are  
subject to court supervision.

7. Upon application, the court shall grant a waiver from  
the requirements of this section if a party demonstrates that  
a history of domestic abuse, as defined in section 236.2,  
exists. In determining whether a history of domestic abuse  
exists, the court's consideration shall include, but is not  
limited to, commencement of an action pursuant to section  
236.3, the issuance of a protective order against a party or  
the issuance of a court order or consent agreement pursuant to  
section 236.5, the issuance of an emergency order pursuant to  
section 236.6, the holding of a party in contempt pursuant to  
section 664A.7, the response of a peace officer to the scene  
of alleged domestic abuse or the arrest of a party following  
response to a report of alleged domestic abuse, or a  
conviction for domestic abuse assault pursuant to section  
708.2A.

Sec. 2. Section 602.8106, subsection 1, Code 2007, is  
amended by adding the following new paragraph:

NEW PARAGRAPH. h. For a probation revocation, the fee  
shall be the same amount as the fee for filing and docketing a  
complaint, information, or citation for the underlying case  
from which the revocation arises.

Sec. 3. Section 633.31, subsection 2, paragraph c, Code  
2007, is amended to read as follows:

3 4 c. For filing and indexing a transcript ..... 5.00  
3 5 50.00

3 6 Sec. 4. Section 664A.1, subsection 2, Code 2007, is  
3 7 amended to read as follows:

3 8 2. "Protective order" means a protective order issued  
3 9 pursuant to chapter 232, a court order or court-approved  
3 10 consent agreement entered pursuant to chapter 236, including a  
3 11 valid foreign protective order under section 236.19,  
3 12 subsection 3, a temporary or permanent protective order or  
3 13 order to vacate the homestead under chapter 598, ~~and~~ or an  
3 14 order that establishes conditions of release or is a  
3 15 protective order or sentencing order in a criminal prosecution  
3 16 arising from a domestic abuse assault under section 708.2A, or  
3 17 a civil injunction issued pursuant to section 915.22.

3 18 Sec. 5. Section 664A.2, subsection 2, Code 2007, is  
3 19 amended to read as follows:

3 20 2. A protective order issued in a civil proceeding shall  
3 21 be issued pursuant to chapter 232, 236, ~~or~~ 598, or 915.  
3 22 Punishment for a violation of a protective order shall be  
3 23 imposed pursuant to section 664A.7.

3 24 Sec. 6. Section 664A.3, Code 2007, is amended by adding  
3 25 the following new subsection:

3 26 NEW SUBSECTION. 1A. Notwithstanding chapters 804 and 805,  
3 27 a person taken into custody pursuant to section 236.11 or  
3 28 arrested pursuant to section 236.12 may be released on bail or  
3 29 otherwise only after initial appearance before a magistrate as  
3 30 provided in chapter 804 and the rules of criminal procedure or  
3 31 section 236.11, whichever is applicable.

3 32 Sec. 7. Section 664A.5, Code 2007, is amended to read as  
3 33 follows:

3 34 664A.5 MODIFICATION == ENTRY OF PERMANENT NO=CONTACT  
3 35 ORDER.

4 1 If a defendant is convicted of, receives a deferred  
4 2 judgment for, or pleads guilty to a public offense referred to  
4 3 in section 664A.2, subsection 1, or is held in contempt for a  
4 4 violation of a no-contact order issued under section 664A.3 or  
4 5 for a violation of a protective order issued pursuant to  
4 6 chapter 232, 236, ~~or~~ 598, or 915, the court shall either  
4 7 terminate or modify the temporary no-contact order issued by  
4 8 the magistrate. The court may enter a no-contact order or  
4 9 continue the no-contact order already in effect for a period  
4 10 of five years from the date the judgment is entered or the  
4 11 deferred judgment is granted, regardless of whether the  
4 12 defendant is placed on probation.

4 13 Sec. 8. Section 664A.6, Code 2007, is amended by adding  
4 14 the following new subsection:

4 15 NEW SUBSECTION. 3. A peace officer shall not be held  
4 16 civilly or criminally liable for acting pursuant to this  
4 17 section provided the peace officer acts in good faith and on  
4 18 reasonable grounds and the peace officer's acts do not  
4 19 constitute a willful or wanton disregard for the rights or  
4 20 safety of another.

4 21 Sec. 9. Section 664A.7, subsections 3 and 4, Code 2007,  
4 22 are amended to read as follows:

4 23 3. If convicted of or held in contempt for a violation of  
4 24 a no-contact order or a modified no-contact order for a public  
4 25 offense referred to in section 664A.2, subsection 1, or held  
4 26 in contempt of a no-contact order issued during a contempt  
4 27 proceeding brought pursuant to section 236.11, the person  
4 28 shall be confined in the county jail for a minimum of seven  
4 29 days. A jail sentence imposed pursuant to this subsection  
4 30 shall be served on consecutive days. No portion of the  
4 31 mandatory minimum term of confinement imposed by this  
4 32 subsection shall be deferred or suspended. A deferred  
4 33 judgment, deferred sentence, or suspended sentence shall not  
4 34 be entered for a violation of a no-contact order, ~~or~~ modified  
4 35 no-contact order, or protective order and the court shall not  
5 1 impose a fine in lieu of the minimum sentence, although a fine  
5 2 may be imposed in addition to the minimum sentence.

5 3 4. Violation of a no-contact order entered for the offense  
5 4 or alleged offense of domestic abuse assault in violation of  
5 5 section 708.2A or a violation of a protective order issued  
5 6 pursuant to chapter 232, 236, ~~or~~ 598, or 915 constitutes a  
5 7 public offense and is punishable as a simple misdemeanor.  
5 8 Alternatively, the court may hold a person in contempt of  
5 9 court for such a violation, as provided in subsection 3.

5 10 Sec. 10. Section 664A.7, Code 2007, is amended by adding  
5 11 the following new subsection:

5 12 NEW SUBSECTION. 3A. If convicted or held in contempt for  
5 13 a violation of a civil protective order referred to in section  
5 14 664A.2, the person shall serve a jail sentence. A jail

5 15 sentence imposed pursuant to this subsection shall be served  
5 16 on consecutive days. A person who is convicted of or held in  
5 17 contempt for a violation of a protective order referred to in  
5 18 section 664A.2 may be ordered by the court to pay the  
5 19 plaintiff's attorney's fees and court costs.

5 20 Sec. 11. Section 664A.8, Code 2007, is amended to read as  
5 21 follows:

5 22 664A.8 EXTENSION OF NO=CONTACT ORDER.

5 23 Upon the filing of an application by the state or by the  
5 24 victim of any public offense referred to in section 664A.2,

5 25 subsection 1 which is filed within ninety days prior to the  
5 26 expiration of a modified no-contact order, the court shall  
5 27 modify and extend the no-contact order for an additional  
5 28 period of five years, unless the court finds that the  
5 29 defendant no longer poses a threat to the safety of the  
5 30 victim, persons residing with the victim, or members of the  
5 31 victim's family. The number of modifications extending the  
5 32 no-contact order permitted by this section is not limited.

5 33 Sec. 12. Section 908.11, Code 2007, is amended by adding  
5 34 the following new subsection:

5 35 NEW SUBSECTION. 5. Notwithstanding any other provision of  
6 1 law to the contrary, if the court revokes the probation of a  
6 2 defendant who received a deferred judgment and imposes a fine,  
6 3 the court shall reduce the amount of the fine by an amount  
6 4 equal to the amount of the civil penalty previously assessed  
6 5 against the defendant pursuant to section 907.14. However,  
6 6 the court shall assess any required surcharge, court cost, or  
6 7 fee upon the total amount of the fine prior to reduction  
6 8 pursuant to this subsection.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

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6 20 I hereby certify that this bill originated in the Senate and  
6 21 is known as Senate File 593, Eighty=second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

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Approved \_\_\_\_\_, 2007

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CHESTER J. CULVER

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Governor